

## REMARKS

### 1. Summary of the Office Action

Claims 1-52 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 6,044,363 (hereinafter “Mori”), in view of U.S. patent no. 6,415,269 (hereinafter “Dinwoodie”) and further in view of U.S. patent no. 6,560,580 (hereinafter “Fraser”).

### 2. Response to § 103 Rejections

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**THE PRIOR ART REFERENCES, WHEN CONSIDERED SINGULARLY OR IN COMBINATION, DO NOT TEACH OR SUGGEST ALL CLAIM LIMITATIONS OF INDEPENDENT CLAIMS 1, 26 AND 27.**

Independent claims 1, 26, and 27 have been rejected by the Examiner. Claim 1, which is representative of the group, includes the following limitation:

facilitating creation of an administrative note pertaining to a selected aspect of an on-line auction facilitated by the network-based auction facility;

associating the administrative note with the selected aspect of the on-line auction; and

displaying a note indicator to indicate an association of the administrative note with the selected aspect of the on-line auction when displaying information concerning the selected aspect on a display unit of a network device.

(Claim1, emphasis added). Claim 1 relates to a method of communicating administrative information related to the monitoring of a network based auction facility. According to claim 1, monitoring a network based auction facility is achieved by facilitating creation of an administrative note and displaying a note indicator to indicate an association of the administrative note with a selected aspect of the online auction.

In contrast, Mori relates generally to an online auction method. Mori does not relate to a method of communicating administrative information related to the monitoring of a network-based auction facility. More importantly, in contrast to claim 1, Mori does not disclose facilitating the creation of an administrative note and displaying a note indicator to indicate an association of an administrative note with a selected aspect of an online auction.

In the Office Action mailed December 12, 2003, the Examiner suggests that Mori "teaches a method of communicating information with an auction for a note pertaining to a selected aspect of an auction." (Office Action mailed December 12, 2003). However, claim 1 states "facilitating creation of an administrative note pertaining to a selected aspect of an on-line auction." Applicant respectfully disagrees with the Examiner's view of Mori. At best, Mori discloses a mechanism (e.g., an Internet browser) that allows a **bidder** to input information, such as a bid. For example, Mori states:

On bidder terminals, information about the auction is displayed. An auction subject is selected by each bidder (terminal operator). For the selected auction subject, the number of purchase, desired price, and the highest possible price in competition for the desired price (a variation value indicating an addition allowed for the desired price) are specified on the screen by the bidder. Auction ordering information containing these information pieces is created and transmitted to the auctioneer terminal.

The display and information inputting on the bidder terminal can be implemented by using, for example, a browser broadly known in the Internet. A plurality of inputted information pieces is created and transmitted to the auctioneer terminal.

(Mori, Col. 2, Line 29, emphasis added). Accordingly, in the context of a bidder directly participating in an auction, Mori discloses a bidder inputting information about the auction. However, Mori has nothing to do with an administrator monitoring an auction. More specifically, Mori does not disclose or suggest an auction system with a mechanism to facilitate the creation of an administrative note pertaining to an aspect of an on-line auction, in the context of monitoring a network-based auction facility.

In the Office Action mailed December 12, 2003, the Examiner states, that Mori "teaches a marketplace monitor (Fig 10) that permits an administrator to view marketplace activity." (Office Action mailed December 12, 2003). However, according to Mori, only information entered by the bidders can be monitored. For example, Mori states:

The electronic marketplace server 11 manages and monitors the auction information. When the time limit for auction ordering information has been reached, the electronic marketplace server 11 terminates the acceptance of auction ordering information, and conducts an auction on the basis of the accepted auction ordering information by using a method which will be described later. Then the electronic marketplace server 111 notifies the purchasing person client 12 of an auction result by using , for example, the WWW (World Wide Web), electronic mail, or the like.

...

In the case where auction ordering information of a product to be monitored has been received during monitoring of the auction ordering information, information 719 concerning the purchasing person who transmitted the newly received auction ordering information is displayed in the registered purchasing person list 712 as shown in FIG. 10. At the same time, a message indicating that the auction ordering information has newly arrived is displayed in the message column 714. At this time, an operation for calling the attention of an operator, such as flashing display of information concerning the newly registered purchasing person, or a sound indication, may be conducted simultaneously.

(Mori, Col. 5, Line 45; Col. 9, Line 13). However, Mori does not disclose a mechanism that allows facilitating creation of an administrative note pertaining to a selected aspect of an on-line auction.

In the Office Action mailed December 12, 2003, the Examiner suggests that "Mori teaches ... displaying a graphic icon adjacent to the text (Fig3/219) and an auction expiration time (Fig 12/916)." The graphic icon referred to by the Examiner is nothing more than a "product image 219 such as a color photograph of the product." (Mori, Col. 6, Line 2). The graphic image does not indicate an association of an administrative note with an aspect of an on-line auction. For example, the graphic image disclosed in Mori does not indicate to an administrator that an administrative note is associated with the product portrayed in the image, because Mori does not disclose displaying a note indicator to indicate an association of an administrative note with a selected aspect of an on-line auction, as required by claim 1.

Furthermore, neither Dinwoodie nor Fraser discloses facilitating the creation of an administrative note and displaying a note indicator to indicate an association of an administrative note with a selected aspect of an on-line auction. Consequently, claim 1 is not obvious and is not rendered unpatentable by the combination of Mori, Dinwoodie, and Fraser under 35 U.S.C. § 103(a). For the same reasons, claims 26 and 27 are not rendered unpatentable by the combination of Mori, Dinwoodie, and Fraser under 35 U.S.C. § 103(a). Claims 2-14 and 28-40 depend from claim 1 and claim 27, respectively. Therefore, claims 2-14 and 28-40 are not rendered unpatentable under 35 U.S.C. § 103(a).

**THE PRIOR ART REFERENCES, WHEN CONSIDERED SINGULARLY OR IN COMBINATION, DO NOT TEACH OR SUGGEST ALL CLAIM LIMITATIONS OF INDEPENDENT CLAIMS 15, 41 AND 52.**

Independent claims 15, 41 and 52 were also rejected by the Examiner. Claim 15, which is representative of the group, includes the following limitations:

providing a note creation function to facilitate creation of an administrative note concerning the user of the network-based auction facility; and

automatically invoking the note creation function from one of a plurality of administrative applications of the network-based auction facility,

where the note creation function associates the administrative note with the user, as identified by an administrator of the network-based auction facility to the note creation function.

(Claim 15, emphasis added).

In contrast to claim 15, Mori does not disclose providing a note creation function to facilitate creation of an administrative note concerning the user of a network and associating the administrative note with a user of the network-based auction facility. Instead, Mori discloses a bidder inputting information about an auction, in the context of a bidder directly participating in an auction. Accordingly, only information input by the bidder (e.g., the user) is communicated. For example, Mori does not disclose a mechanism to allow an administrator to input an administrative note about a user of the auction system. More specifically, Mori does not disclose providing a note creation function to facilitate creation of an administrative note concerning the user of the network-based auction facility and associating the administrative note with a user of the network-based auction facility, as required by claim 15.

Furthermore, neither Dinwoodie nor Fraser discloses providing a note creation function to facilitate the creation of an administrative note and associating the administrative note with a user. Consequently, claim 15 is not obvious and is not rendered unpatentable by the combination of Mori, Dinwoodie, and Fraser under 35 U.S.C. § 103(a). For the same reasons, claims 41 and 52 are not rendered unpatentable by the combination of Mori, Dinwoodie, and Fraser under 35 U.S.C. § 103(a). Claims 16-25 and 42-51 depend from claim 15 and claim 41, respectively. Therefore, claims 16-25 and 42-51 are not rendered unpatentable under 35 U.S.C. § 103(a).

In light of the above, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

3. **Conclusion**

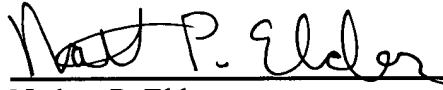
Having tendered the above remarks, Applicant respectfully submits that all rejections have been addressed and that the claims are now in a condition for

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If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

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